

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

RENAUD BELHOMME,

Plaintiff,

vs.

No. CIV 05-0687 RB/RLP

THE DOWNS OF ALBUQUERQUE, INC.,

ATLAS TEMPORARY SERVICE, INC.,

DAN COOK, General Manager,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER came before the Court for consideration of Plaintiff's Motion for the Court to Grant Plaintiff Rehearings and Continuances (Doc. 36), filed on February 17, 2006. This matter was dismissed for failure to state a claim on February 7, 2006.

A motion to reconsider filed within ten days after a case is dismissed is considered a motion under Rule 59(e). *See Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991). Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice. *Brumark Corp. v. Samson Resources Corp.*, 57 F.3d 941, 948 (10th Cir. 1995). A motion for reconsideration is appropriate where the court has misapprehended the facts, a party's position, or the controlling law. *Servants of the Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000). Plaintiff advances no grounds that warrant reconsideration. Thus, the motion will be denied.

IT IS ORDERED.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE